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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Allocation of Spectrum Below) ET Docket No. 94-32
5 GHz Transferred from)
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To: The Commission

**REPLY COMMENTS
OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),¹ pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, respectfully submits its Reply Comments in response to the Comments filed in the above-captioned proceeding.

¹The National Association of Business and Educational Radio, Inc. ("NABER") and PCIA recently announced the decision to merge their two organizations and to operate under the PCIA name as a new legal entity. Pending final legal and regulatory approvals the two organizations remain separate legal entities. This new PCIA is an international trade association created to represent the interests of both commercial mobile radio service (CMRS) and private mobile radio service (PMRS) users and businesses involved in all facets of the personal communications industry. PCIA's Federation of Councils include: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, 800 MHz General Category frequencies for Business eligibles and conventional SMR systems, and for the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licenses.

I. BACKGROUND

The private radio user community is now poised to make the next quantum leap in radio technological innovation. Public networks may begin operation, may expand, may increase their sophistication level, may go bankrupt, may increase or decrease their area of coverage, may cut rates or raise rates. Regardless of the direction public systems such may take, the ability to build and operate a private radio system must be preserved. The well-engineered private network has, and will continue to have, certain attributes that are not just desirable, but essential.

PCIA has demonstrated in this proceeding that certain types of users have such specialized communications requirements that it is unlikely that a carrier system could ever serve their needs, regardless of the drop in price of technology. A discussion of such needs and the difficulties involved in obtaining service from commercial carriers were detailed in NABER's Comments in response to the Notice of Inquiry. PCIA's Comments set forth additional examples from PCIA members representing large private users in various industries that demonstrated the need for dedicated private system spectrum.

The record in this proceeding demonstrates that the 2390-2400 MHz band should be assigned for private use. This portion of the spectrum would be the most beneficial for the private land mobile services.

II. COMMENTS BY OTHER PARTIES SUPPORT A PRIVATE SECTOR ALLOCATION

Several Comments request that the 2390-2400 MHz band be allocated for various purposes and services. However, PCIA's Comments as well as the Comments of other private radio users and associations clearly demonstrate that there is an unmet need for wireless, mobile communications which is currently unfulfilled.²

In contrast, non-private commenters requesting allocations in the 2390-2400 MHz band offer no demonstration of need for the requested allocation. However, the wireless needs detailed in PCIA's Comments cannot be served by wired systems, and the uses detailed are not "it would be nice if" services. Rather, the services detailed in PCIA's Comments: (1) are services which are not currently provided by carrier systems; (2) are services which carriers are unlikely to ever provide in the manner required by private system users; and (3) are services for which there is insufficient spectrum currently available to private system users.

III. CONCLUSION

The limited amount of spectrum for all potential users dictates that the Commission make allocations of spectrum based upon demonstrated need and not mere desire. PCIA believes that the private user community has made an ample demonstration of real

²See, for example, the Comments of the Utilities Communications Council; Manufacturers Radio Frequency Advisors, Industrial Telecommunications Council; Association of American Railroads; Association of Public-Safety Communications Officials-International, Inc.; Forest Industries Telecommunications.

need, and PCIA urges the Commission to respond with an allocation of 2390-2400 MHz (and later 2300-2310 MHz) for private system use.

WHEREFORE, the Personal Communications Industries Association respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
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